



**Kathryn R. Barney**  
(Member of the Florida Bar)



Law Department  
500 Water Street  
Speed Code J-150  
Jacksonville, FL 32202  
Fax (904) 245-3892  
Telephone (904) 359-1305  
Email [kathryn\\_barney@csx.com](mailto:kathryn_barney@csx.com)

August 28, 2008

**Via Overnight Express Mail (Return Receipt Requested)**

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

ENTERED  
Office of Proceedings  
AUG 29 2008  
Part of  
Public Record

RE. Docket No AB-55 (Sub-No. 689X), *CSX Transportation, Inc* —  
*Abandonment Exemption—in Logan County, WV*

Dear Acting Secretary Quinlan:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$3,700. Also enclosed is a computer diskette containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them in the enclosed self-addressed stamped envelope. I thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Kathryn R. Barney

Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD



Docket No. AB-55 (Sub-No. 689X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN LOGAN COUNTY, WV

VERIFIED NOTICE OF EXEMPTION

ENTERED  
Office of Proceedings  
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Part of  
Public Record

**FILED**

AUG 29 2008

**SURFACE  
TRANSPORTATION BOARD**

Kathryn R. Barney, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1305

Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1229

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated. August 29, 2008

**FEE RECEIVED**

AUG 29 2008

**SURFACE  
TRANSPORTATION BOARD**



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No AB-55 (Sub-No 689X)

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CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN LOGAN COUNTY, WV

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VERIFIED NOTICE OF EXEMPTION

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CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon a 1.16-mile rail line on its Southern Region, Huntington Division East, Logan Subdivision from Milepost CLV 2.0 to the end of track at Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is October 18, 2008 (or such later date that is 50 calendar days from the date this Verified Notice of Exemption is received by the Board)
2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).
  - (a) *General.*

(1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 1.16-mile rail line on its Southern Region, Huntington Division East, Logan Subdivision from Milepost CLV 2.0 to the end of track at Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia. There are no stations on the Line.

(4) Map. See Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Kathryn R. Barney, CSX Transportation, Inc , 500 Water Street, J-150, Jacksonville, Florida 32202, (904) 359-1305.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses The Line traverses ZIP Code 25632

(e) Rural and community impact. Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the properties proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R Co -- Abandonment -- Goshen*, 360 I.C.C 91 (1979).

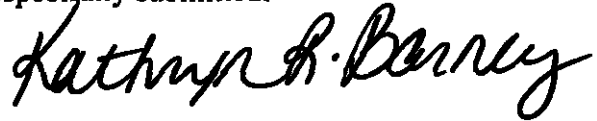
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C (Certificate of Service; Certificate of Publication), Exhibit D (Certificate of Distribution of Environmental Report) and Exhibit E (Certificate of Distribution of Historical Report).

6. Environmental Report. See Exhibit D. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report. See Exhibit E.

Steven C. Armbrust, Esq.  
CSX Transportation, Inc  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1229

Respectfully submitted.

A handwritten signature in black ink, reading "Kathryn R. Barney". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kathryn R. Barney, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1305

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated. August 29, 2008

**EXHIBIT A**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

**[See attached]**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA                                 )  
  )       ss.  
COUNTY OF DUVAL                                 )

I, Ellen M. Preslar, being duly sworn, depose and state that I am Manager Regulatory Costing for Network Rationalization of CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

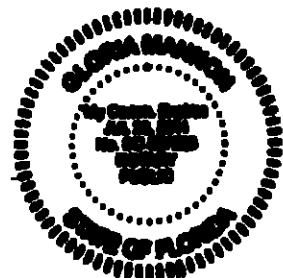
I hereby certify that no local traffic has moved over CSXT's 1.16-mile rail line on its Southern Region, Huntington East Division, Logan Subdivision from Railroad Milepost CLV 2.0 to the end of track at Railroad Milepost 3.16, known as a portion of the Snap Creek Industrial Track near Don, Logan County, West Virginia, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Ellen M. Preslar  
Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of August, 2008

My Commission Expires: JUN 23, 2011

Glenn Mannon  
Notary Public

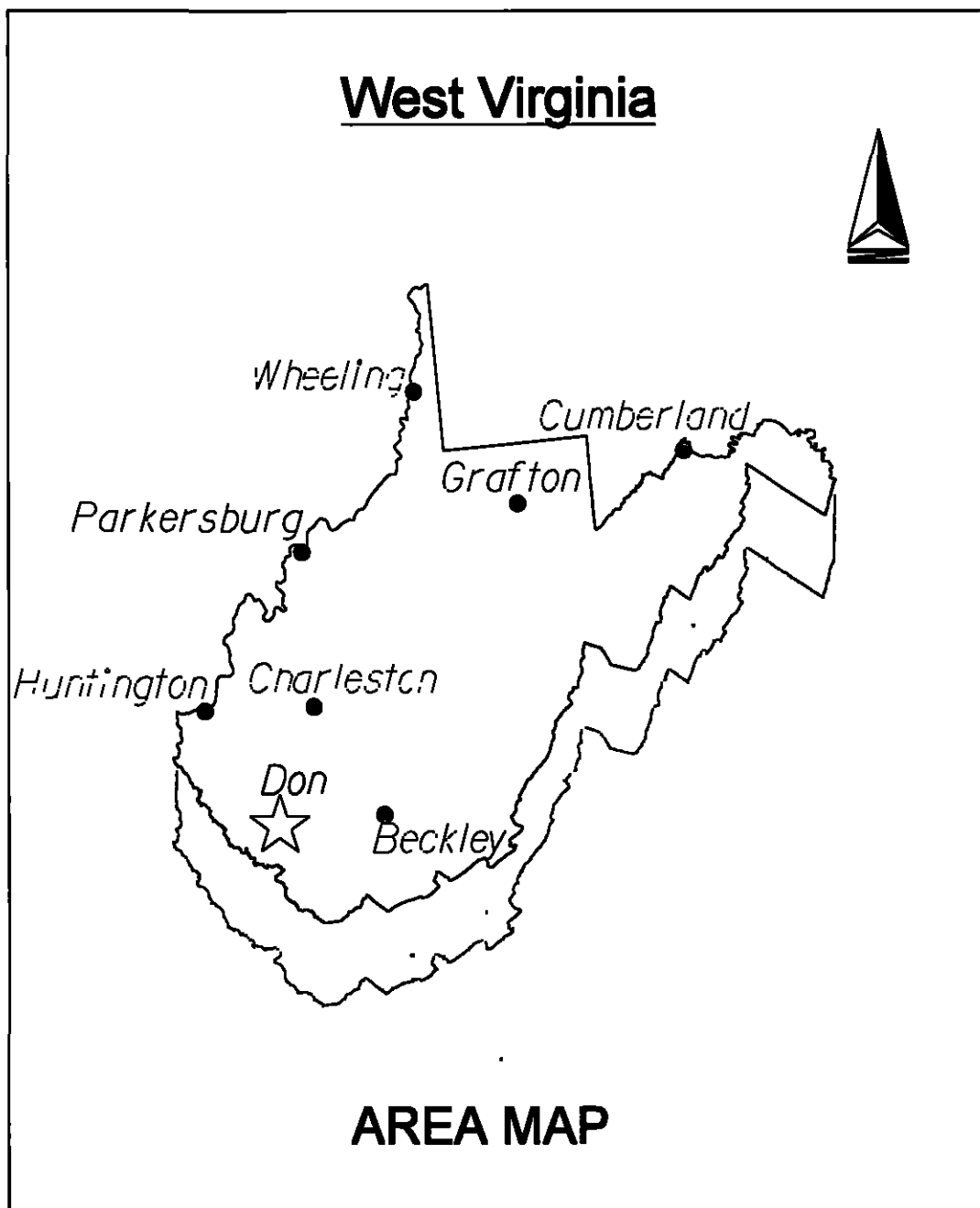




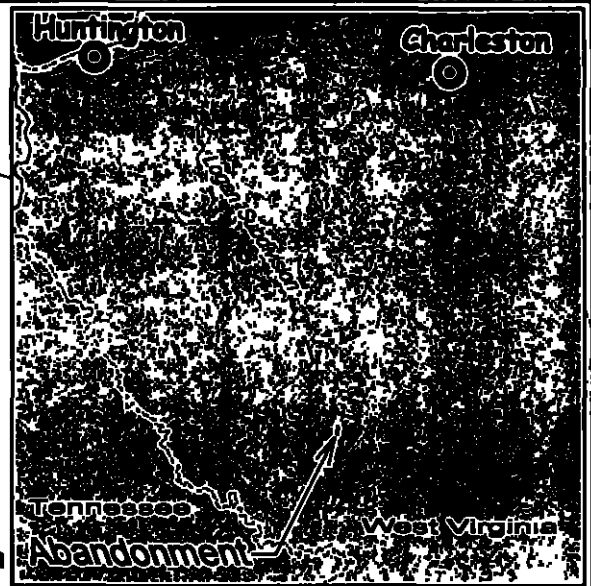
**EXHIBIT B**

**MAP**

**[See attached]**



**Proposed Abandonment of a Part of the Snap Creek Industrial Track  
1.66 Miles (+/-) From Milepost CLV 1.5 to CLV 3.16 (EOT)  
STB Docket No. AB 55 - Sub. No. 689X  
Near Don, Logan County, West Virginia**



**Interest Area**  
(Not to Scale)

Logan Co.,  
West Virginia

**BEGIN ABANDONMENT**  
CLV 2.0

**END ABANDONMENT**  
CLV 3.16 (E.O.T.)

**LEGEND**

— CSXT Operating Corridor  
— Proposed Abandonment  
Total Distance = 1.16 Miles +/-

SOUTHERN REGION  
HUNTINGTON-EAST DIVISION  
LOGAN SUBDIVISION  
PART OF SNAP CREEK I.T.  
CLV 2.0 - CLV 3.16  
STB Docket No AB55-689X

**CSX TRANSPORTATION**

**Proposed Abandonment of a  
Portion of the Snap Creek I.T.**  
CLV 2.0 to CLV 3.16 (EOT)  
a distance of 1.16 Miles +/-  
Near Don, Logan County, West Virginia



**SCALE: 1" = 1/2 Mile**

Revised: July 10, 2008  
Drawn By: L. Pansick

**EXHIBIT C**

**CERTIFICATES OF SERVICE AND PUBLICATION**

**[See attached]**

**EXHIBIT C**

**CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 689X) was mailed via DHL overnight express mail on August 18, 2008, to the following parties:

**State Public Service Commission**

West Virginia Public Service Commission  
201 Brooks Street  
P.O. Box 812  
Charleston, WV 25323

**Military Surface Deployment and Distribution Command**

SDDCTEA  
ATTN: Railroads for National Defense  
720 Thimble Shoals Blvd.  
Suite 130  
Newport News, VA 23606-2574

**National Park Service**


Mr. Rick Potts, Program Chief  
Rivers, Trails and Conservation Assistance Program National Park Service  
1849 C Street, NW (Org Code 2240)  
Washington, DC 20240-0001

**National Park Service**

U S. Department of Interior  
National Park Service  
1849 C Street, NW  
Washington, D.C. 20240-0001


U S. Department of Agriculture

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Auditors' Building  
14th Street and Independence Avenue, S.W.  
Washington, DC 20250

  
Kathryn R. Barney  
August 28, 2008

### **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-55 (Sub-No 689X) was advertised on August 21, 2008 in the Logan Banner, a newspaper of general circulation in Logan County, WV, as required by 49 C.F.R. § 1105.12.

  
Kathryn R. Barney  
August 28, 2008

**EXHIBIT D**  
**ENVIRONMENTAL REPORT**

**[See attached]**



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## ENVIRONMENTAL REPORT

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**CSX TRANSPORTATION, INC.**  
**A portion of the Snap Creek Industrial Track**  
**Don, Logan County, West Virginia**  
**DOCKET AB-55 (SUB-NO. 689X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

**(1) PROPOSED ACTION AND ALTERNATIVES**

**Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.**

CSX Transportation (CSXT) proposes to abandon 1.16 miles of rail line between Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, known as the Snap Creek Industrial Track near Don, Logan County, West Virginia.

This line was previously used to ship coal, however, the line has not had any originating or terminating traffic in over ten years. Abandonment of this portion of the line will have no negative impact on current or future coal operations.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2)

Further attached is a list of all agencies which have received a copy of this environmental report. (See Attachment 3)

**(2) TRANSPORTATION SYSTEM**

**Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.**

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

**(3) LAND USE**

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its inquiry dated July 10, 2008 to the Logan County Planning Department seeking information regarding this statement. (See Attachment 4)

Based on the fact that the line has not generated any traffic in over ten years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its inquiry dated July 10, 2008 to the U. S. Department of Agriculture, Natural Resources Conservation Service in Beckley, West Virginia seeking information regarding this statement. (See Attachment 5)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The State of West Virginia does not have a coastal zone management program.

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties, proposed to be abandoned, may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

**(4) ENERGY**

- (i) Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

**(5) AIR**

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (II) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (III) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

#### **(6) NOISE**

If any of the thresholds identified in item (5)(I) of this section are surpassed, state whether the proposed action will cause: (I) an incremental increase in noise levels of three decibels Ldn or more, or (II) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

#### **(7) SAFETY**

- (I) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will result in little to no effect on public health or safety.

- (II) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

**(8) BIOLOGICAL RESOURCES**

- (i) **Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant has not received a response to its inquiry dated July 10, 2008 to the U.S. Fish and Wildlife Service – West Virginia Field seeking information regarding this statement. (See Attachment 6)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line segment does not appear to be near any parks, wildlife sanctuaries, refuges, or forests.

**(9) WATER**

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response to its inquiry dated July 10, 2008 to the West Virginia Department of Environmental Protection – Division of Water & Waste Management in Charleston, West Virginia seeking information regarding this statement. (See Attachment 7)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained

as well as compliance with conditions or procedures required by regulatory agencies.

- (II) Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry dated July 10, 2008, to the U. S. Army Corps of Engineers in Huntington, West Virginia seeking information regarding this statement. (See Attachment 8)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (III) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

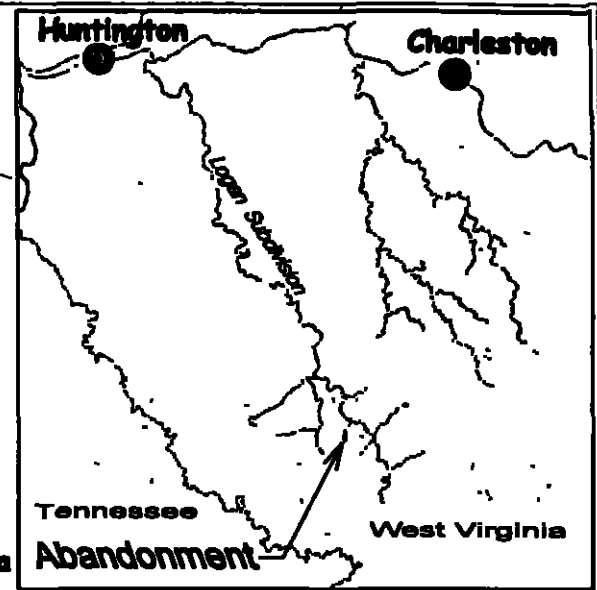
Applicant has not received a response to its inquiry dated January 28, 2008 to the U.S. Environmental Protection Agency – Region 3 in Philadelphia, Pennsylvania seeking information regarding this statement. (See Attachment 9)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

**10. MITIGATION**

**Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any reasonable necessary permits required.



**Interest Area**  
(Not to Scale)

Logan Co.,  
West Virginia

**BEGIN ABANDONMENT**  
CLV 2.0

**END ABANDONMENT**  
CLV 3.16 (E.O.T.)

**LEGEND**

— CSXT Operating Corridor  
— Proposed Abandonment  
Total Distance = 1.16 Miles +/-

SOUTHERN REGION  
HUNTINGTON-EAST DIVISION  
LOGAN SUBDIVISION  
PART OF SNAP CREEK I.T.  
CLV 2.0 - CLV 3.16  
STB Docket No. AB55-689X

**CSX TRANSPORTATION**

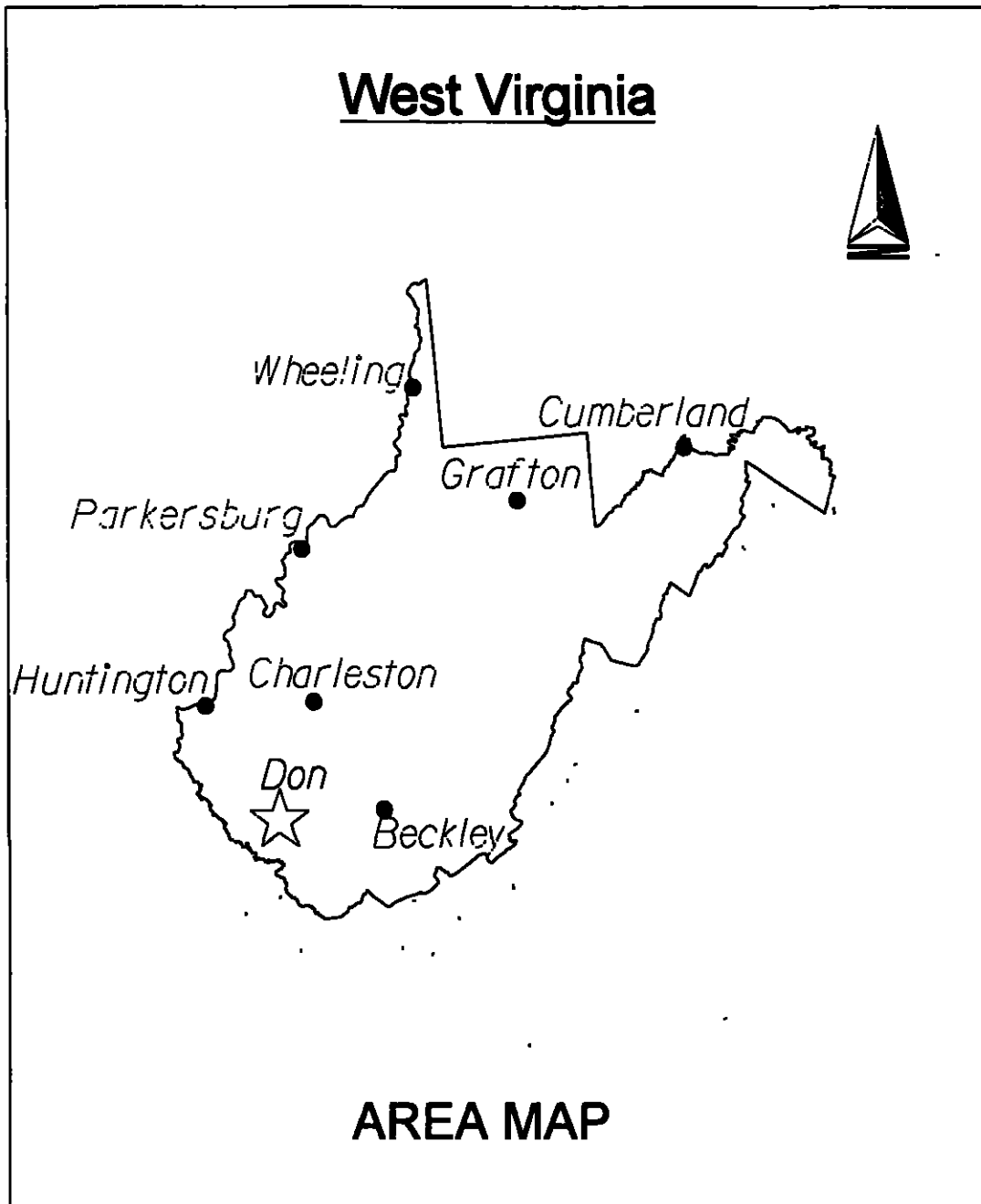
**Proposed Abandonment of a  
Portion of the Snap Creek I.T.**  
CLV 2.0 to CLV 3.16 (EOT)  
a distance of 1.16 Miles +/-  
Near Don, Logan County, West Virginia



**SCALE: 1" = 1/2 Mile**

Revised: July 10, 2008  
Drawn By: L. Parnick





Proposed Abandonment of a Part of the Snap Creek Industrial Track  
1.66 Miles (+/-) From Milepost CLV 1.5 to CLV 3.16 (EOT)  
STB Docket No. AB 55 - Sub. No. 689X  
Near Don, Logan County, West Virginia

**CSXT Abandonment External Distribution List  
Snap Creek Industrial Track near Don, WV  
AB 55 Sub No. 689X**

**Logan County Planning Department  
300 Stratton Street  
County Courthouse  
Logan, WV 25601-3924**

**United States Environmental Protection  
Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029**

**WV Dept of Environmental Protection  
Division of Water & Waste Management  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345**

**U. S. Department of the Interior  
Fish & Wildlife Service  
West Virginia Field Office  
694 Beverly Pike  
Elkins, WV 26241**

**District Engineer  
Attention: ORHOP-F  
U.S. Army Corps of Engineers  
502 8<sup>th</sup> Street  
Huntington, WV 25701-2070**

**USDA - NRCS  
465 Ragland Road  
Beckley, WV 25801**

**Mr. Fred Cutlip, Director  
Community Development Division  
Governor's Office of Community  
and Industrial Development  
Building #6, Room 553  
Charleston, WV 25305**

**Mr. Bill Hartman  
Executive Director  
West Virginia Railroad Maintenance  
Authority  
Division of Railroad Maintenance  
Authority  
120 Water Plant Drive  
Moorefield, WV 26836**

**Mr. Charles Hill  
West Virginia State Rail Authority  
120 Water Plant Drive  
Moorfield, WV 26836**

**Northeast Region  
Regional Director  
National Park Service  
U S Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106**

**National Geodetic Service (NOAA) at  
'NGS.InfoCenter@noaa.gov' (via email)**



**Attachment 4**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 633-1000  
FAX: (904) 246-2226  
E-Mail: Dave\_Geraci@CSX.com

**Dave Geraci**  
**Manager - Network Rationalization**

**July 10, 2008**

**Logan County Planning Department**  
**300 Stratton Street**  
**County Courthouse**  
**Logan, WV 25601-3924**

**Dear Logan County Planning Department:**

**Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia, as depicted on the attached map.**

**This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:**

**"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."**

**CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for Logan County and the line's relationship to such planning.**

**As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.**

**Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.**

**Sincerely,**

**Attachment**



**TRANSPORTATION**

**Dave Geraci**

**Manager - Network Rationalization**

**Attachment 5**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 633-1000  
FAX: (904) 248-2220  
E-Mail: Dave\_Geraci@CSX.com

**July 10, 2008**

**USDA - NRCS  
465 Ragland Road  
Beckley, WV 25801**

**Dear NRCS:**

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that CSXT develop a response to the following statement:

**"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."**

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

**Attachment**

Dave Geraci  
Manager - Network Rationalization

July 10, 2008

U. S. Department of the Interior  
Fish & Wildlife Service  
West Virginia Field Office  
694 Beverly Pike  
Elkins, WV 26241

Dear USFWS:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia, as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that CSXT develop responses to the following statements:

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment





**Attachment 7**

500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 633-1068  
FAX: (904) 246-2228  
E-Mail: Dave\_Geraci@CSX.com

**Dave Geraci**  
**Manager - Network Rationalization**

**July 10, 2008**

**WV Dept of Environmental Protection  
Division of Water & Waste Management  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345**

**Dear WVDEP:**

**Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia, as depicted on the attached map.**

**This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:**

**(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."**

**(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."**

**There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.**

**Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.**

**As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.**

**Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.**

**Sincerely,**

**Attachment**



**TRANSPORTATION**  
Dave Geraci  
Manager - Network Rationalization

**Attachment 8**

606 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 633-1668  
FAX: (904) 246-2226  
E-Mail: Dave\_Geraci@CSX.com

July 10, 2008

District Engineer  
Attention: ORHOP-F  
U.S. Army Corps of Engineers  
502 8<sup>th</sup> Street  
Huntington, WV 25701-2070

Dear USACE:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is CSXT's opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment

Dave Geraci  
Manager - Network Rationalization

July 10, 2008

United States Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dear USEPA Region 3:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track near Don, Logan County, West Virginia, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

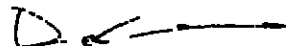
There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,



Attachment



**ENVIRONMENTAL REPORT  
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 689X) was mailed via first class mail on July 24, 2008 to the following parties:

Logan County Planning Department  
300 Stratton Street  
County Courthouse  
Logan, WV 25601-3924

United States Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

WV Dept of Environmental Protection  
Division of Water & Waste Management  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345

U. S. Department of the Interior  
Fish & Wildlife Service  
West Virginia Field Office  
694 Beverly Pike  
Elkins, WV 26241

District Engineer  
Attention: ORHOP-F  
U.S. Army Corps of Engineers  
502 8<sup>th</sup> Street  
Huntington, WV 25701-2070

USDA - NRCS  
465 Ragland Road  
Beckley, WV 25801

Mr. Fred Cutlip, Director  
Community Development Division  
Governor's Office of Community and Industrial Development  
Building #6, Room 553  
Charleston, WV 25305

Mr. Bill Hartman  
Executive Director  
West Virginia Railroad Maintenance Authority  
Division of Railroad Maintenance Authority  
120 Water Plant Drive  
Moorefield, WV 26836

Mr. Charles Hill  
West Virginia State Rail Authority  
120 Water Plant Drive  
Moorfield, WV 26836

Northeast Region  
Regional Director  
National Park Service  
U. S. Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106

DOC / NOAA  
National Geodetic Service  
(via email at [NGS.InfoCenter@noaa.gov](mailto:NGS.InfoCenter@noaa.gov))

  
Kathryn R. Barney  
August 28, 2008

**EXHIBIT E**  
**HISTORIC REPORT**

**[See attached]**



Dave Geraci  
Manager - Network Rationalization

500 Water Street - J200  
Jacksonville, FL 32202  
Tel (904) 633-1088  
Fax (904) 245-2228  
E-Mail: Dave\_Geraci@CSX.com

July 11, 2008

Ms. Susan M. Pierce  
Deputy State Historic Preservation Officer  
West Virginia Department of Culture & History  
1900 Kanawha Blvd East  
Capitol Complex  
Charleston, WV 25305

RE: CSX Transportation, Inc.  
Proposed Line Abandonment  
Logan County, West Virginia  
Docket AB-55 (Sub-No. 689X)

Dear Ms. Pierce:

Please be advised that on August 29, 2008, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon service from Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, a distance of 1.16 miles known as the Snap Creek Industrial Track, near Don, Logan County, West Virginia, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above-proposed abandonment.

Since there are no structures over 50-years old, I would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources.

If you have questions, please feel free to call me.

Sincerely,

Attachments

Copy: STB - SEA, 395 East Street, SW, Washington, DC 20423-0001

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# HISTORIC REPORT

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**CSX TRANSPORTATION, INC.  
Snap Creek Industrial Track near Don  
Logan County, West Virginia  
DOCKET AB-55 (SUB-NO. 689X)**

**1105.7(e)(1)**

**PROPOSED ACTION AND ALTERNATIVES.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation (CSXT) proposes to abandon 1.16 miles of rail line between Railroad Milepost CLV 2 to the end of track at Railroad Milepost CLV 3.16, known as the Snap Creek Industrial Track near Don, Logan County, West Virginia.

This line was previously used to ship coal, however, the line has not had any originating or terminating traffic in over ten years. Abandonment of this portion of the line will have no negative impact on current or future coal operations.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2)

**1105.8(d)**

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a mapped copy of the Beckley Quadrangle Topographic Map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a red and black dashed line. (See Attachment 3)

There are no CSXT-owned structures that are 50 years old or older, which may be eligible for listing in the National Register as part of the proposed action. As part of the original filing

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way widths along this line is approximately 15 feet from the center-line of track. The rail line closely parallels Rick Creek and is located in a mountainous, forested area that contained several strip mines and mine dumps.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not Applicable.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not Applicable.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

The land for this line segment was acquired by the Chesapeake and Ohio Railroad Company (C&O) in 1958. The C&O was incorporated under the general laws of Virginia and West Virginia on July 1, 1878.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O, and WM railroads. On November 1, 1980, Seaboard Coast Line Industries, Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not Applicable.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

We do not know of any significance or uniqueness to this line segment that would warrant your consideration, since to our knowledge, the line segment is not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a

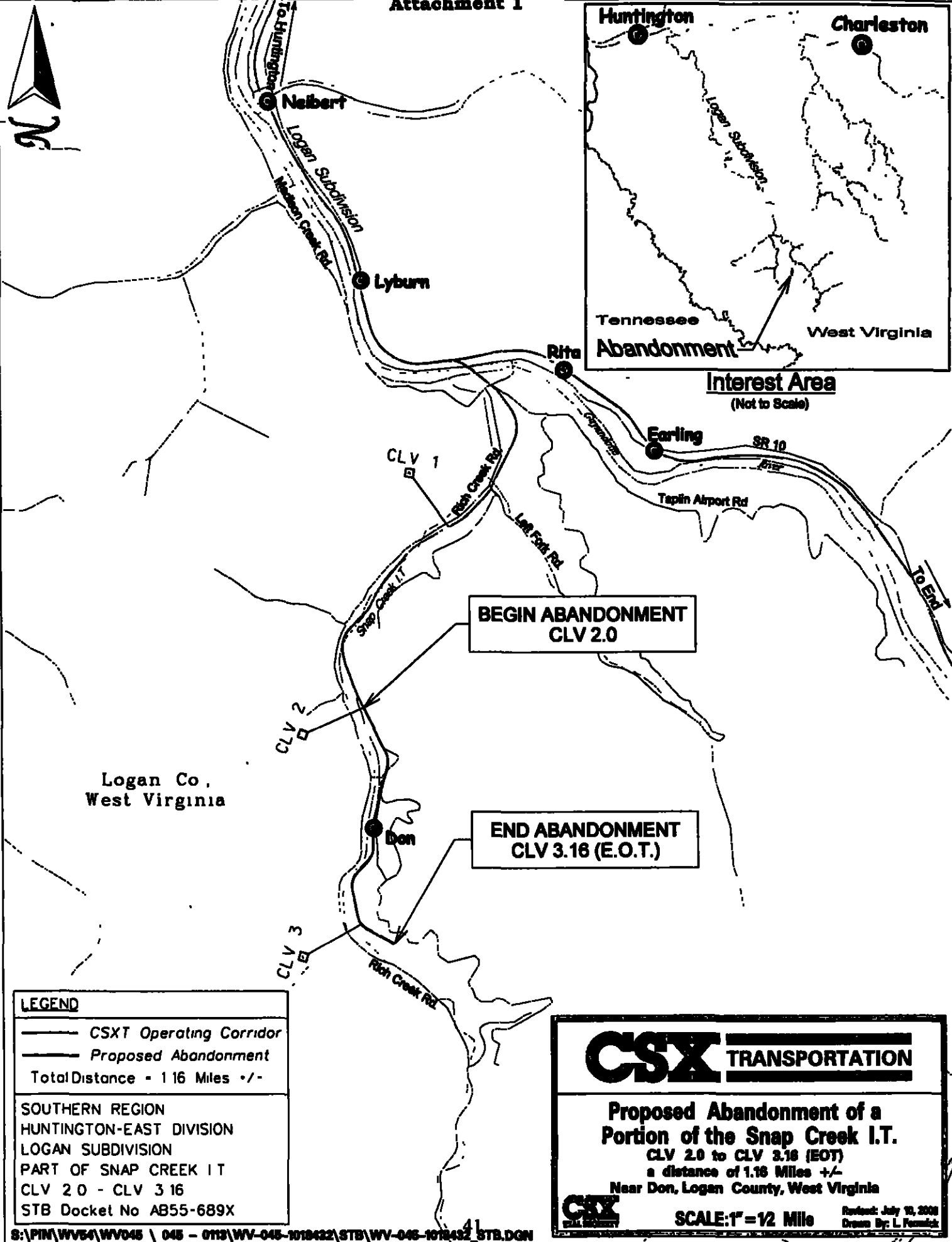
significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

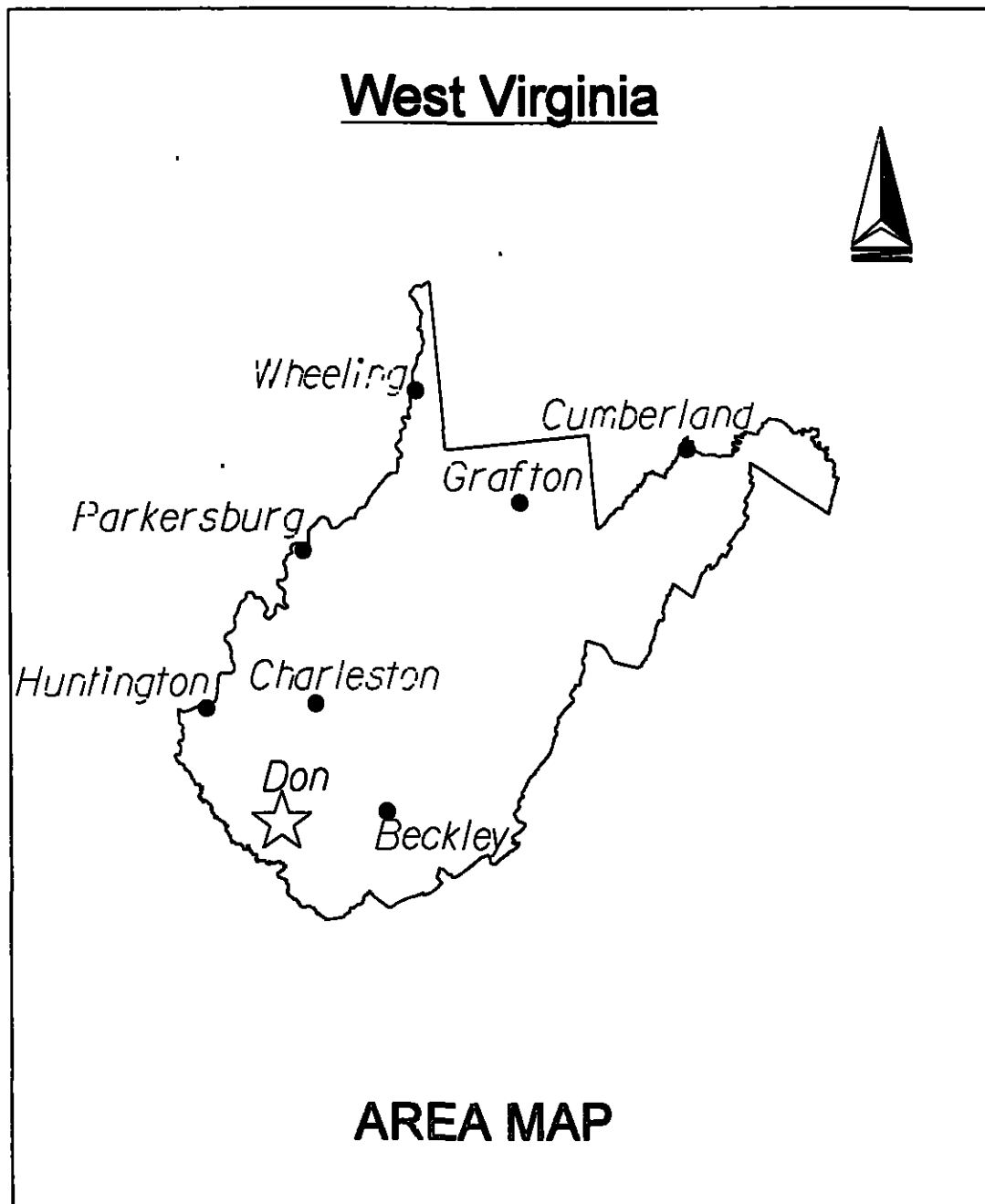
We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

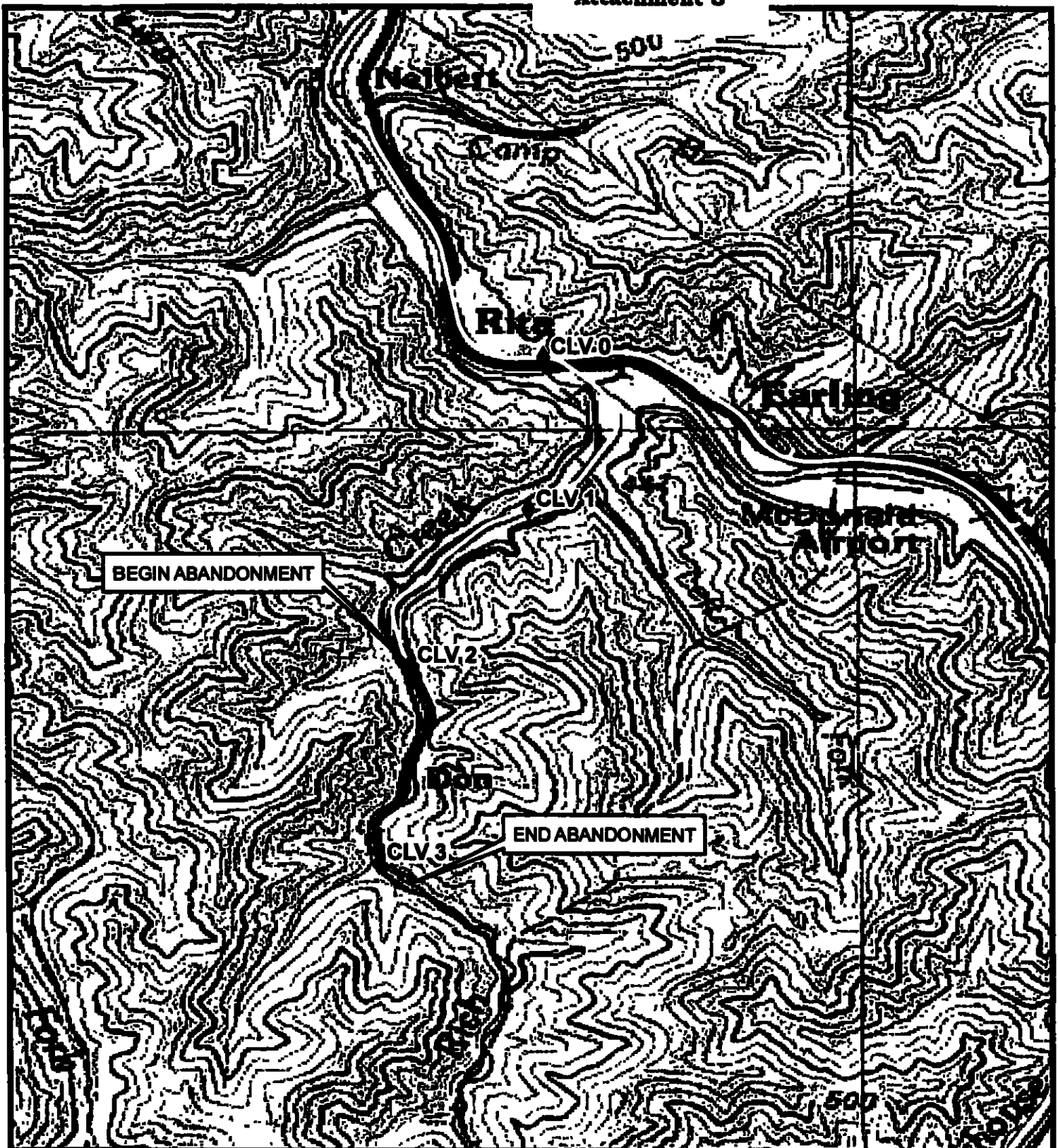
The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.







Proposed Abandonment of a Part of the Snap Creek Industrial Track  
1.86 Miles (+/-) From Milepost CLV 1.5 to CLV 3.18 (EOT)  
STB Docket No. AB 55 - Sub. No. 689X  
Near Don, Logan County, West Virginia



Approximate Latitude and Longitude at Milepost CLV 2.0 - SNAP CREEK I.T.:  
81°56'18.155"W, 37°44'57.801"N

**Legend**

 SUBJECT  
CSX

Topo: USGS 100k BECKLEY Quad (USGS\_QD\_ID: 37081-E1)  
Projection is: GCS\_WGS\_1984 - UTM 17 (NAD83)

**CSX**  
REAL PROPERTY  
GIS MAPPING SERVICES  
Drawn By: L. Fenwick  
Rev Date: July 10, 2008



**WEST VIRGINIA  
DIVISION OF  
CULTURE & HISTORY**

The Cultural Center  
1900 Kanawha Blvd., E  
Charleston, WV  
25305-0300

Phone 304 558 0220  
Fax 304.558 2779  
TDD 304.558 3562  
www.wvculture.org  
EEO/AA Employer

August 5, 2008

Dave Geraci  
CSX Transportation Inc.  
500 Water Street - J200  
Jacksonville, FL 32202

RE: CSX Transportation, Inc. Proposed Line Abandonment  
STB Docket AB-55 (Sub-No. 689X)  
FR#: 08-933-LG

Dear Mr. Geraci:

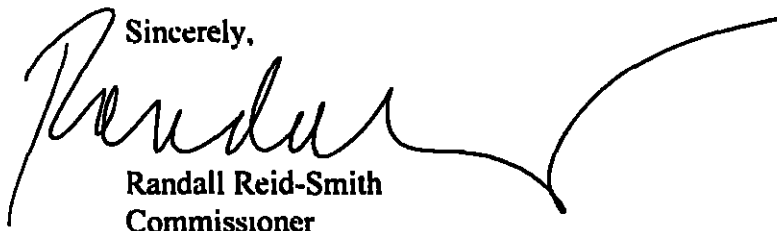
We have reviewed the Historic Report for the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the information provided CSX Transportation proposes to abandon 1 16 miles of rail line between Railroad Milepost CLV 2 to the end of the track at Railroad Milepost CLV 3.16 known as the Snap Creek Industrial Track, near Don, Logan County. The abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast.

We concur with the information provided that there are no architectural or structural resources within the project limits that are eligible for or listed in the National Register of Historic Places. No further consultation is necessary regarding architectural or structural resources.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ginger Williford, Structural Historian, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,




Randall Reid-Smith  
Commissioner

RRS/GW

**HISTORIC REPORT  
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 689X) was mailed via first class mail on July 11, 2008, to the following parties:

Ms. Susan M. Pierce  
Deputy State Historic Preservation Officer  
West Virginia Department of Culture and History  
1900 Kanawha Blvd. East  
Capitol Complex  
Charleston, WV 25305

  
Kathryn R. Barney  
August 28, 2008